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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,936	04/05/2002	Bo Vigholm	1501-1026	1231
466	7590	06/22/2004	EXAMINER	
YOUNG & THOMPSON				BUTLER, DOUGLAS C
745 SOUTH 23RD STREET 2ND FLOOR				
ARLINGTON, VA 22202				
ART UNIT		PAPER NUMBER		
		3683		

DATE MAILED: 06/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/089,936	VIGHOLM, BO CB
	<b>Examiner</b>	<b>Art Unit</b>
	Douglas C. Butler	3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 17 March 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-15 is/are pending in the application.  
4a) Of the above claim(s) 3,6-8 and 10-14 is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1,2,4,5,9 and 15 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) 1-15 are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 17 March 2004 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
    Paper No(s)/Mail Date \_\_\_\_\_.  
4)  Interview Summary (PTO-413)  
    Paper No(s)/Mail Date. \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_.  
\_\_\_\_\_

**DETAILED ACTION**

1. An action on the merits of claims 1-2, 4-5, 9 and 15 considered readable on Species C (Figure 4) is included in this office action with claims 3, 6-8 and 10-14 being withdrawn from consideration. 37 C.F.R. § 1.142(b). Election was made without traverse in Paper No. 5 filed on August 27, 2003.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 4-5, 9 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Yoder (3,431,028), of record.

Figure 6 of Yoder achieves a delayed or hindered activation of brake circuit 18 by limiting flow to the brake by throttle or flow limiting valve 100 and then opening flow to the brake circuit when a predetermined pressure is reached.

4. Claim 9 is rejected under 35 U.S.C. 102(b) as being anticipated by Cummins et al (3,957,315), of record.

Flow limiting valve or orifice 92 of the single figure of Cummins et al delays braking at brake member 32 as broadly recited as per column 3, lines 15-33 of Cummins et al.

5. Claims 1-2, 4-5, 9 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsumoto et al (3, 677, 605), of record.

See Figure 4 of Matsumoto et al (3677605) with limited flow between  $P_1$  and  $P_2$  followed by open flow for delayed braking to the front wheels.

6. Claims 1-2, 4-5, 9 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Doerfler et al (4, 068, 900), of record.

See Figure 1 of Doerfler et al (4068900) with limited flow followed by open flow for delayed braking to the front wheels.

7. Claims 1-2, 4-5, 9 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Stelzer (3, 278, 241), of record.

See column 1 of Stelzer (241) which teaches delayed braking.

8. Applicant's arguments filed March 17, 2004 have been fully considered but they are not persuasive, ~~for~~ the above reasons.

*p3*  
Applicant states that "[n] one of the references disclose a braking system, as recited, which reduces the pressure surge that takes place when the brakes are activated. The pressure surge gives rise to a brake shock, which the driver experiences as a jerk."

The examiner disagrees in the artisans in the brake art routinely use restrictors or valves with restricting or limiting functions to reduce brake surge such as the applied references.

Applicant states that the Yoder restrictor does not reduce pressure surge. Restrictions or limiting valves such as 100 of Fig 6 of Yoder inherently reduce pressure surge.

Applicant states that Cummins et al (3957315) does not meet the claims. The examiner disagrees in that flow limiting valve or orifice 92 of the single figure of Cummins et al delays braking at 32 which reduces pressure surge.

Re Matsumoto et al, see Fig. 4 with limited flow between  $P_1$  and  $P_2$  followed by open flow for delayed braking to front wheels which inherently reduces pressure surge.

Re Doerfler et al see Fig. 1 with pressure surge reduction by way of providing for initial limited flow.

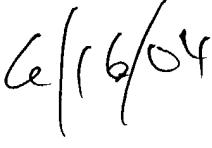
9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exmr. Butler whose telephone number is (703) 308-2575. The examiner can normally be reached on Monday to Friday from 5:30 a.m. to 2 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Lavinder, can be reached on (703) 308-3421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
DOUGLAS C. BUTLER  
PRIMARY EXAMINER  
  


Butler/vs  
June 14, 2004